

**CHARTER REVIEW COMMITTEE
MEETING MINUTES
September 30, 2008**

CALL TO ORDER

7:00 p.m.

Chairman Nielson

FLAG SALUTE

ROLL CALL

Aboud, Gerry Vice-Chair
Brandt, Susan
Fiske, Jack
Frank, Steve
Hazelwood, Lee, excused

Hemshorn, Catherine
Honeywell, Virginia L.
Kingsley, Alan
Nielson, David, Chairman
Quigley, Brian

STAFF:

Don Eubank, City Administrator
Rebecca Petersen, Deputy City Recorder

FACILITATOR: Nancy Boyer, Executive Director
Mid-Willamette Valley Council of Governments

Approval of September 09, 2008 Meeting Minutes:

MOTION: From Mr. Fiske, and seconded by Ms. Hemshorn, to approve the Charter Review Committee Meeting Minutes of September 09, 2008 as presented. Motion passed: 8:0.

Mr. Frank arrived at 7:10 pm.

Business from the Chair: Mr. Nielson stated that since the Charter Review Committee meetings are being video taped, and citizens of Stayton are watching the videos on the cable access channel, he wished to give some background to the public regarding the committee. He read the "Mission Statement" of the committee, referred interested parties to the City of Stayton website, suggest that if folks have concerns they wish to share with the committee, they may be dropped off at city hall, and he encouraged public participation from local citizens.

Mr. Nielson stated that he wished to clarify and issue that came up at the last committee meeting regarding motions. Unless a motion is made to change specific language in the document, the document will stay the same. If you wish to end discussion on and issue and leave something as it is, the motion should be to end discussion and move on.

Review of Proposed Charter Review Language Based on Policy Decisions of the Committee:

Ms. Boyer explained that the handout represents proposed charter review language, on the issues where the committee has taken action. At the first meeting the committee talked about specific wording and the second meeting was policy direction, which were taken into consideration when preparing the proposed City of Stayton charter language. Behind the proposed charter are notes that

the committee agreed to do, or any other notes pertinent to know why the language was changed. The proposed language was also sent to the city attorney, and his recommendations have been included in the document.

Section 9: Mayor: The committee, at their meeting of September 09, 2008, voted to re-visit the terms of office for the Mayor in two more meetings, which would be October 14, 2008.

Continue Review of City of Stayton Charter by Chapter:

Annexations: Ms. Boyer asked the committee if it was their intent that all annexations be sent to the voters, or just the major annexations needing voter approval and not the minor annexations. Consensus from the committee was that all annexations be referred to the voters.

Section 10: Qualification of Elected Officials: There was no need to change/revise this section.

Section 11: Other Officers Appointive: Referring to the City Administrator position, Ms. Boyer stated that Personnel Policies (adopted by resolution) state that *The City council will appoint the City Administrator and the Police Chief. The City Administrator will appoint all other department heads and will approve the appointment of all other employees.*

The current Charter states that *“Each of these officers shall be appointed and may be removed by the Mayor with the consent of the majority of the council”*.

There is a discrepancy between the two documents, as the Personnel Policy says that the Council appoints the City Administrator and the Police Chief, and the current Charter says that the Mayor, with the consent of the Council, appoints these officers, which includes the City Administrator. And the Employment Agreement for the current City Administrator refers to the Administrator having been appointed by the Mayor.

Ms. Boyer provided a handout showing examples of other cities with City Administrators, and the role of those administrators in appointing or not appointing department heads. In the majority of the cities that have City Administrators, the City Administrator appoints and discharged supervisors and department heads. Cities do different things depending on their circumstances and what they feel comfortable with in terms of their Charter and where they are headed.

Mr. Eubank provided a handout listing information he had requested regarding Police Chief's from various jurisdictions that are Mayor-Council approved: Ashland, Beaverton, Enterprise, McMinnville, Yamhill, and Woodburn. Also listed were agencies that previously used the Mayor-Council appoint/approve system for the Police Chief position, but have now changed so that the City

Administrator can perform the appointments. The language is very different in each jurisdiction as to how their appointed and how their removed.

Comments/Questions:

1. The City needs to define the City Charter to have a more solidified City Manager, and the

outline of duties and responsibilities should be in the Charter, with the City Manager hiring the Police Chief.

2. Is the term City Manager and City Administrator being used interchangeably?

Ms. Boyer stated that in Oregon, the distinction between City Administrator and City Manager has become more and more blurred but it is more distinctive nationally. The City Manager truly is the executive officer. You can leave the term City Administrator alone in the Charter and through the definition of duties still provide the level of responsibility that would be more reflective of what you would normally think of as a City Manager.

3. The Police Chief is a department head who should report to the City Administrator just like other department heads do, as the City Administrator needs to hire individuals who support the policies set by the Council.

4. The City Administrator and the Police Chief are both important to the community as far as what the community wants out of the two positions, therefore they need to be approved by the Mayor and City Council, and the rest of the departments should come under the City Administrator.

5. City Recorder, Deputy City Recorder and the job duties of the City Recorder, assigned to the City Administrator position were discussed. Ms. Boyer explained that when the committee gets to the job description details this issue could be resolved.

MOTION: From Mr. Fiske, and seconded by Ms. Honeywell, to place the Police Chief position under the City Administrator's approval, with the approval of the majority of the Council.

DISCUSSION: Where is the policy located that covers the other department heads, is it in the personnel manual? Mr. Eubank answered in the affirmative.

Does the City Administrator's job description cover the hiring of the department heads?

After various discussions by committee members, Mr. Fiske removed his motion and Ms. Honeywell removed her second.

MOTION: From Mr. Fiske, and seconded by Mr. Kingsley, that the City Administrator hire the Police Chief without the need for Council Approval.

DISCUSSION: Both the City Administrator position and the Police Chief position are policy driven and need to be supervised by the City Council.

After discussion, Mr. Fiske removed his motion; Mr. Kingsley did not remove his second.

MOTION FAILED: 3:6 (Fiske, Honeywell & Kingsley):(Aboud, Brandt, Frank, Hemshorn, Nielson & Quigley).

MOTION: From Mr. Fiske, and seconded by Ms. Honeywell, that the hiring and firing of the Police Chief should be performed by the City Administrator with the approval of the City Council.
Motion passed: 9:0.

Continuation of Section 11: Other Officers, Ms. Boyer asked committee members if they wished to add any other Officers of the city. And, how should the Officers be appointed and removed, by the Mayor with consent of the majority of the Council, by a majority of the Council, or other?

Comments/Questions:

There was varied discussion as to whether or not the Mayor position involves appointing the City Administrator or other Officers.

MOTION: From Mr. Kingsley, and seconded by Mr. Fiske, to move to end discussion on how Officers are appointed and removed by the consent of the majority of the Council.

DISCUSSION: Mr. Aboud stated that, while he agrees that its fine the way it is, he doesn't agree with closing off the discussion. Mr. Frank stated that he tried to talk and wasn't allowed to. Chairman Nielson stated that the only discussion at this point is about the motion.

MOTION FAILED: 4:5 (Fiske, Hemshorn, Honeywell & Kingsley) : (Aboud, Brandt, Frank, Nielson & Quigley)

Chairman Nielson stated that since the motion failed the issue is still open.

MOTION: From Mr. Aboud, and seconded by Mr. Quigley, to change the section of the charter to read that the Mayor may appoint Officers, with the consent of the majority of the Council, and the Council can also remove Officers with the majority consent of the Council, and the Council by a majority vote can initiate an action to discuss removing an officer.

MOTION FAILED: 4:4, 1 abstain (Frank) (Aboud, Brandt, Nielson & Quigley):(Fiske, Hemshorn, Honeywell & Kingsley)

DISCUSSION: Chairman Nielson stated that an affirmative motion will leave the charter as it is. Mr. Aboud stated that a 4:4 vote would indicate that half the committee wishes to make some type of change, and that this issue should be continued.

MOTION: From Mr. Kingsley, and seconded by Mr. Fiske, to move to end discussion on how Officers are appointed and removed by the consent of the majority of the Council.

MOTION PASSED: 6:3, (Brandt, Fiske, Hemshorn, Honeywell, Kingsley & Nielson):(Aboud, Frank, & Quigley).

Section 12: Compensation:

MOTION: From Ms. Honeywell, and seconded by Mr. Fiske, to adopt the League of Oregon Cities (LOC) model that salary amounts be included in the budget approval.

DISCUSSION: What does this mean, the LOC model is not clear. More time needs to be spent on this issue instead of voting on an issue that has not had much discussion. Add the model language but don't replace it.

Ms. Honeywell withdrew her motion, and Mr. Fiske withdrew his second.

Public Comment: A public sign up sheet was provided for those persons interested in addressing the committee at the end of the meeting; there were none.

Adjourn: There being no further business to come before the committee the meeting was adjourned.

Respectfully submitted by Rebecca Petersen, Deputy City Recorder on this 14th day of October 2008.